

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

BILLY G. ASEMANI

:

Plaintiff

:

v.

: CIVIL ACTION NO. RDB-07-663

ALI FALLAHIAN-KHUZESTANI

:

and

HOJATOL-ISLAM NAYERRI

:

Defendants

..oOo..

**MEMORANDUM OPINION**

Pending is a *pro se* “Renewed Torture Complaint Pursuant to the Anti-Terrorism Act” filed by Billy G. Asemani, a state prisoner incarcerated at the Maryland Correctional Institution. Although he captions his pleading as a new complaint, Plaintiff is seeking reconsideration of the claims presented to this Court in *Asemani v. Fallahian-Khuzestani*, Civil Action No. RDB-06-568 (D. Md.).<sup>1</sup> The Court will grant Plaintiff leave to proceed *in forma pauperis* for the limited purpose of preliminary review because he has neither paid the civil filing fee nor requested permission to bring this action as an indigent.

The instant complaint fails to allege any new facts or cite any legal basis to support reconsideration of Asemani’s claims. Federal district judges have discretion under 28 U.S.C. § 1915 to screen cases filed by *pro se* plaintiffs. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989). Under *Neitzke*, a complaint may be dismissed under §1915(e) if it lacks an arguable basis either in law or fact. *See Neitzke*, 490 U.S. at 325. For the reasons set forth by this Court in its March 13, 2006, Memorandum Opinion in *Asemani v. Fallahian-Khuzestani*, Civil Action No. RDB No. 06-568, the Court will dismiss the instant Complaint without prejudice by separate Order.

April 4, 2007

Date

/s/

---

RICHARD D. BENNETT  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>1 This Court dismissed that case without prejudice on March 13, 2006. *See Asemani v. Fallahian-Khuzestani*, Civil Action No. RDB-06-568 (D. Md.). The United States Court of Appeals for the Fourth Circuit dismissed Asemani’s appeal of the district court decision on August 2, 2006.